



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

January 9, 2007

8:30 A.M. ROLL CALL

Invocation by Dewey Slater, President of Temple Beth Israel

Pledge of Allegiance to the Flag

Proclamation to outgoing Councilmember Boyajian – **Read and presented**

Installation and Administration of Oaths of Office to Councilmember-elect Blong Xiong, Councilmember Sterling, Councilmember Dages and Councilmember Perea - **Administered**

Election of Council President and Acting President – **Councilmembers Perea and Xiong elected**

Election of Redevelopment Agency Chair and Vice Chair – **Councilmembers Sterling and Dages elected**

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

RECESS – RECONVENE AT 2:00 P.M.

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Calhoun - **Presented**

Proclamations to Police Officers Trevor Shipman and Daniel Messick – Mayor Autry – **Read and presented**

Approve minutes of December 12, 2006

Action Taken: **Approved as corrected**

Councilmember Reports and Comments

Action Taken **Made**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered on January 23, 2007.

- A. * Approval of Fresno Yosemite International Airport Military Construction Cooperative Agreement repair BAK-12 arresting gear runway end 11R – Airports Dept.

Action Taken: **Approved**

- B. * Approve an agreement for professional consulting services with Coffman Associates, Inc., for the preparation of an environmental assessment for north side development at Fresno Chandler Executive Airport – Airports Dept.

Action Taken: **Approved**

- C. Submission for informational purposes of the Comprehensive Annual Financial Reports ("CAFR") regarding the financial activities of the City of Fresno Retirement Systems for the Fiscal Year ending June 30, 2006 – Retirement Offices

Action Taken: **Received**

- D. Authorize acceptance of Fiscal Year 2006 Cycle State Homeland Security Program Funds sub-granted from the State of California, Governor's Office of Homeland Security, as a part of the U.S. Department of Homeland Security's Homeland Security Grant Program – Police Dept. **(Time sensitive)**

Action Taken: **Authorized**

1. * **RESOLUTION** - 50th amendment to AAR 2006-253 appropriating \$332,000 for the purchase of physical security enhancement equipment as well as fund the Citizen Corps and Community Emergency /Response Team Programs through the Homeland Security Grant Program **(Requires 5 affirmative votes)**

Action Taken: **Resolution No. 2007-8 adopted**

1. **CONSENT CALENDAR CONTINUED**

- E. Consideration of proposed Shields-Armstrong No. 3 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 20 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.

Action Taken: Considered

1. Consider and adopt the environmental finding for Environmental Assessment No. Shields-Armstrong No. 3, dated December 11, 2006, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130)

Action Taken: Adopted

2. **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Shields-Armstrong No. 3 Reorganization

Action Taken: Resolution No. 2007-1 adopted

- F. Consideration of proposed Church-Fowler No. 2 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 57.3 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.

Action Taken: Considered

1. Consider and adopt the environmental finding for Environmental Assessment No. Church-Fowler No. 2, dated December 11, 2006, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130)

Action Taken: Adopted

2. **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Church-Fowler No. 2 Reorganization.

Action Taken: Resolution No. 2007-2 adopted

- G. **RESOLUTION** - Approving the Final Map of Tract No. 5188 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept. (*Property located in District 3*)

Action Taken: Resolution No. 2007-3 adopted

- H. * Award a contract to Witbro, Inc. dba Seal Rite in the amount of \$827,680.02 for the installation of street infrastructure in No Neighborhood Left Behind Area 62 (*Property located in District 5*) - Dept. of Public Utilities

Action Taken: Awarded

- I. * Approve first amendment to agreement with URS Corporation Americas, for construction management services for the organic upgrade project at the Fresno-Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) - Dept. of Public Utilities

Action Taken: Approved

- J. * **RESOLUTION** - Authorizing the Purchasing Manager to negotiate and enter into a contract for providing the a surplus City 10,000 gallon hydro pneumatic water tank to the Herndon Water Company, located near the intersection of Herndon Avenue and Highway 99 – Dept. of Public Utilities

Action Taken: Resolution No. 2007-4 adopted

- K. Adopt Resolution of Intention No. 1058-D to vacate a portion of W. Cattern Avenue northeast of N. Weber Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south of W. Devlan Avenue and setting the public hearing for February 6, 2007 @ 10:15 a.m. (*Property located in District 2*) – Public Works Dept.

Action Taken: Adopted

- L. Adopt Resolution of Intention No. 1057-D to vacate a portion of S. Crystal Avenues south of Whitesbridge Avenue and setting the public hearing for February 6, 2007 at 10:00 a.m. (*Property located in District 3*) – Public Works Dept.

Action Taken: Adopted

1. **CONSENT CALENDAR CONTINUED**

- M. * Award a contract in the amount of \$221,590.25 to Serna Construction, Inc. of Fresno for intersection improvements at Butler and Orange Avenues – Public Works Dept. (*Property located in District 5*) (*Time sensitive*)
Action Taken: Awarded
- N. **RESOLUTION** - Of intention to annex Final Tract No. 5424 as Annexation No. 133 to the City of Fresno Community Facilities District No. 2 and to authorize the levy of special taxes (*Property located in District 4*) – Public Works Dept.
Action Taken: Resolution No. 2007-5 adopted
- O. * **RESOLUTION** - Approving an amendment to Contribution Agreement No. 06-1274 with the California Department of Transportation approving the installation, operation and maintenance of a traffic signal controller at the intersection of Belmont and Clovis Avenues and authorizing the Public Works Director or his designee to sign all related documents on behalf of the City of Fresno – Public Works Dept. (*Time sensitive*)
Action Taken: Resolution No. 2007-6 adopted
- P. **RESOLUTION** - Approving the summary vacation of a portion of a public utility easement located in Parcel Map No. 2002-13 east of Cedar Avenue between Dakota Avenue and Hampton Way (*Property located in District 4*) – Public Works Dept. (*Time sensitive*)
Action Taken: Resolution No. 2007-7 adopted
- Q. * Approval of professional services agreement with Transmap in the amount of \$999,999 for City-wide pavement assessment and asset inventory services, and authorize Phase I of the agreement in the amount of \$730,930 – Public Works Dept. (*Time sensitive*)
Action Taken: Approved
- R. Consideration of Council District Plan Implementation Committees – Council President Duncan
1. * **BILL NO. B-179 (Introduced 12/12/2006) – (For adoption)** – Adding Section 12-611 of the Fresno Municipal Code relating to Council District plan implementation committee
Action Taken: Continued to January 23, 2007 @ the direction of Councilmember Duncan
- S. * **BILL NO. B-174 – (Intro. 12/12/2006) (For adoption)** - Adding Section 8-135 to the Fresno Municipal Code relating to protests at funerals – City Attorney's Office
Action Taken: Ordinance No. 2007-01 adopted
- T. * Approval of Reimbursement Agreement for cost with CSUF to install 30" water transmission main in Chestnut Avenue adjacent to Save Mart Center - Dept. of Public Utilities
Action Taken: Approved

2. **CITY COUNCIL**

- A. Council discussion and action regarding: (Councilmember Calhoun)
1. Establishment of a Council sub-committee on the issue of City-wide street impact fees
2. Hire an independent mediator to expedite a successful resolution to stake holder concerns related to City-wide street impact fees
Action Taken: Discussed; no action taken
- B. Council consideration of:
1. **RESOLUTION** – Expressing the City's intent to adopt a Citywide impact fee for local regionally significant major streets and an impact fee based on quadrants for local major streets to implement the goals, objectives and policies of 2025 General Plan - Council President Duncan
Action Taken: Discussed; no action taken
- C. Direct staff to research, draft and return to Council an ordinance establishing a permanent Finance/Audit committee of the City of Fresno City Council – Councilmember Westerlund
Action Taken: Approved, to return with resolution instead of an ordinance

SCHEDULED COUNCIL HEARINGS AND MATTERS

2:15 P.M. A. SCHEDULED COMMUNICATION –

B. UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

2:45 P.M. GENERAL ADMINISTRATION

A. *BILL - (For introduction and adoption)* - Consideration of an interim ordinance extending for an additional 60 days the temporary moratorium on the approval of any land use entitlements and special permits for adult bookstores, adult motion picture theaters or adult theaters that the Council initially imposed on November 28, 2006 through its adoption of Ordinance No. 2006-161 (*Requires 6 affirmative votes*) - Planning and Development Dept.
Action Taken: Bill No. B-1/Ordinance No. 2007-2 adopted

B. Consideration of Street Name Change Application No. SNC-06-01, and environmental findings, filed by Gary L. McDonald of Gary McDonald Homes, Farid Assemi of Granville Homes, and Bill Tatham, Sr., of Copper River Country Club, pertaining to property generally bounded by E. Copper Avenue to the south, N. Friant Road to the north and west, and N. Maple Avenue to the east, all within the “Copper River Ranch” Planned Community Project (*Property located in District 6*) – Planning and Development Dept.

Action Taken: Considered

1. Consider and adopt Environmental Assessment No. SNC-06-01, determination of Initial Study to file a Finding of No Possibility of Significant Adverse Effect.

Action Taken: Adopted

2. **RESOLUTION –** Approving Street Name Change Application No. SNC-06-01 to rename N. Copper River Avenue to Alicante Drive, E. Club House Avenue to Clubhouse Drive, and E. Riverbank Avenue to Copper River Drive, all of which are within the “Copper River Ranch” planned community project

Action Taken: Resolution No. 2007-9 adopted

C. Recommend approval of \$3,910,000 in Home Program Funds to Ashwood Townhomes, Inc., for the Development of the Oak Park Senior Villas in southeast Fresno (Willow/Jensen) (*Property located in District 5*) – Planning and Development Dept.

Action Taken: Approved

3:00 P.M. Council consideration and action regarding: (Councilmember Calhoun)

a. Request report from City Manager on the financial audit and operational status of the Fresno County Convention and Visitors Bureau

b. Request Controller to return to Council on January 23, 2007 with a resolution transferring remaining fund balance appropriated for the Bureau into a contingency fund

Action Taken: Discussed; no action taken

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

- A. Recommendation that the Agency Board adopt a resolution approving a Mitigated Negative Declaration for, and the City Council/Agency Board adopt Joint Resolution approving, the Disposition and Development Agreement between the Redevelopment Agency of the City of Fresno and E.I.E. Alpha., a California limited liability company, to sell a portion of the Cherta Farms property for the development of the Hobbs Parsons Building Project, consisting of renovation of the Hobbs Parsons Building and development of a 20,000 square foot mixed-use development project with restaurant, office and commercial uses in the downtown, and make related findings **(Continue to January 23, 2007 @ 5:10 p.m.)**
Action Taken: Continued as noted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Jan. | 16 - | NO MEETING – MARTIN LUTHER KING DAY | |
| Jan. | 23 - | 10:00 A.M. | HEARING re: Final Tract No. 5461 to the City of Fresno Community Facilities District No. 2, Annexation No 132 |
| Jan | 23 - | 10:30 A.M. | Bill amending Section 3-101 and 3-505 repealing subsection (h) of Section 3-105, and repealing and adding Section 3-109.1 of the Fresno Municipal Code relating to local preference in competitive procurement processes – Councilmember Dages |
| Jan. | 23 - | 3:00 P.M. | WORKSHOP re: Plan for prosecuting graffiti |
| Jan. | 23 - | 3:30 P.M.#1 | CONTINUED HEARING to consider Adoption of Resolution of Intention to consider increase to the current City-wide traffic signal impact fee – Public Works Dept. |
| Jan. | 23 - | 3:30 P.M.#2 | CONTINUED HEARING on adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan, and approval of a bill for introduction to establish new City-side and quadrant based major street impact fees |
| Jan. | 23 - | 4:00 P.M. | Discussion re: the proposed governance structure change for Dept. of Public Utilities |
| Jan. | 23 - | 4:15 P.M. | HEARING re: Rezone Application No. R-06-50, filed by Raafat L. Shehata |
| Jan. | 23 - | 4:20 P.M. | HEARING re: Rezone Application No. R-05-91, filed by Lennar Homes, Inc. |
| Jan. | 23 - | 4:25 P.M. | Determination of consistency with the FYI Airport Environs Plan as related to residential development located within the adopted 65 community Noise Equivalent Level (CNEL) for property located on the northeast corner of N. Cedar and E. Gettysburg Avenue |
| Jan. | 23 - | 4:30 P.M. | HEARING re: Rezone Application No. R-05-82, filed by Louie's LLC |
| Jan. | 23 - | 4:45 P.M. | HEARING re: Rezone Application No. R-06-01, filed by Lennar Homes, Inc. |
| Jan. | 23 - | 4:55 P.M. | HEARING re: Rezone Application No. R- 05-123, Plan Amendment No. A-05-25, filed by Granville Homes |
| Jan. | 23 - | 5:00 P.M. | HEARING re: Rezone Application No. R-06-28, Plan Amendment No. A-06-02, filed by Granville Homes |
| Jan. | 23 - | 5:10 P.M. | CONTINUED JOINT MEETING WITH RDA re: the development of the Hobbs Parsons Building Project, consisting of renovation of the Hobbs Parsons Building and development of a 20,000 square foot mixed-use development project |
| Jan. | 30 - | 8:30 A.M. | Presentation of P.R.I.D.E. Team Certificates for the Winter Quarter (Reception immediately following – 2nd floor foyer) |
| Jan. | 30 - | 10:00 A.M.#1 | CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control (Hearing cancelled – will be re-noticed) |
| Jan | 30 - | 10:00 A.M.#2 | WORKSHOP relating to County EMS/American Ambulance and Fresno Fire crews – Councilmember Calhoun |
| Jan | 30 - | 10:15 A.M. | BILL - WORKSHOP |

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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| Feb. | 6 - | 10:00 A.M. | HEARING re the vacation of a portion of S. Crystal Avenue south of Whitesbridge Avenue |
| Feb. | 6 - | 10:15 A.M. | HEARING to consider the vacate a portion of W. Cattern Avenue northeast of N. Weber Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south of W. Devlan Avenue (Located in District No. 2) |
| Feb. | 6 - | 4:30 P.M. | HEARING re: Plan Amendment No. A-06-22, Environment Assessment No. 06-37 (Pinedale Neighborhood Plan) |
| Feb. | 13 - | NO MEETING | |
| Feb. | 20 - | NO MEETING – PRESIDENT’S DAY | |
| Feb. | 27 - | (TBA) | CONTINUED HEARING to consider Adoption of Resolution of Intention to consider increase to the current City-wide traffic signal impact fee – Public Works Dept. |
| Feb. | 27 - | 10:45 A.M.#1 | HEARING to annex Final Tract No. 5424 to the City of Fresno Community Facilities District No. 2, Annexation No. 133 (Located in District No. 4) |
| Feb. | 27 - | 10:45 A.M.#2 | HEARING to consider annexation of Final Tract No. 5312 to the City of Fresno Community Facilities District No. 2, Annexation No. 134 (Located in District 4) |
| Feb. | 27 - | 5:00 P.M.#1 | HEARING to consider proposed rate increase for water utility service |
| Feb. | 27 - | 5:00 P.M.#2 | HEARING to consider proposed rate increase for wastewater/sewer utility service |
| Feb. | 27 - | 5:00 P.M.#3 | HEARING to consider proposed rate increase for solid waste utility service |